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**REMARKS**

Claims 74-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 112, 114-127, 129-133, 135, 137-142 were pending in the application. Claims 114-121, 141, and 142 have been amended. Claims 74-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 112, and 120-140 have been cancelled. New claims 143-166 have been added. Accordingly, claims 114-121 and 141-166 are pending in the application upon entry of this Response and Amendment.

Support for new claims 143-166 can be found in the pending claims and as originally filed. Additional support for new claims 159-164 can be found throughout the specification, including at least at page 13, lines 11-22. Claims 141 and 142 have been amended for clarity. No new matter has been added.

The foregoing claim amendments and claim cancellations should in no way be construed as acquiescence to any of the Examiner's rejections, and have been made solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed, as well as those in previously pending claims 74-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 112, and 120-140, in this or a separate application(s).

**Interview Summary**

Applicant and Applicant's attorney gratefully acknowledge the personal interview between Elizabeth Hanley, Applicant's attorney, and Examiner David Saunders on November 16, 2005. The presently submitted claims were discussed.

**Allowed claims**

Applicant gratefully acknowledges the Examiner's indication that claims 115-121 and 141-142 are allowed.

**Rejection of Claims 84-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 114, 123-127, and 129-133 Under 35 U.S.C. § 112, First Paragraph**

The Examiner has rejected claims 84-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 114, 123-127, and 129-133 under 35 U.S.C. 112, first paragraph for failing to comply with the written description requirement because they allegedly contain new matter. Applicant respectfully traverses this rejection.

Applicant maintains that there are sufficient teachings in the specification such that one of ordinary skill in the art would understand that Applicant was in possession of the claimed invention, *i.e.*, administering the claimed additional therapeutic agents in

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combination with the claimed antibody to a human subject suffering from a disorder in which TNF $\alpha$  activity is detrimental. As described in Applicant's previous response of February 24, 2005, the examples of additional therapeutic agents described in the specification as suitable for administration to subjects having certain disorders, e.g., rheumatoid arthritis, were not meant to limit the administration of the recited therapeutic agents only to subjects having the specific disorder. Based on the teachings of the instant specification, one of ordinary skill in the art would recognize that each additional therapeutic agent described for a specific disorder could also be administered in combination with the antibody of the invention for the treatment of other disorders in which TNF $\alpha$  activity is detrimental.

In the interest of expediting prosecution, however, claims 74-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 112, and 120-140 have been cancelled. Claim cancellations are made solely to expedite prosecution and should not be considered acquiescence to the Examiner's rejection. Applicant reserves the right to prosecute claims 74-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 112, and 120-140 in this application or another application. Thus, in view of the cancellation of claims, the rejection of claims 74-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 112, and 120-140 under 35 U.S.C. 112, first paragraph is rendered moot.

#### Claim 114

Applicant notes that the Examiner has also rejected claim 114 under 35 U.S.C. §112, first paragraph in parallel with claims directed to methods of treatment in combination with an additional therapeutic agent. Amended claim 114 is directed to a method for inhibiting human TNF $\alpha$  activity in a human subject suffering from periodontal disease comprising administering to the human subject an antibody such that human TNF $\alpha$  activity in the human subject is inhibited, wherein the antibody is an isolated human antibody, or an antigen-binding portion thereof, that dissociates from human TNF $\alpha$  with a  $K_d$  of  $1 \times 10^{-8}$  M or less and a  $K_{off}$  rate constant of  $1 \times 10^{-3}$  s $^{-1}$  or less, both determined by surface plasmon resonance, and neutralizes human TNF $\alpha$  cytotoxicity in a standard *in vitro* L929 assay with an  $IC_{50}$  of  $1 \times 10^{-7}$  M or less. Claim 114 is not directed to use of a secondary agent in combination with an antibody as required in claims 74-89, 91, 93, 95, 97, 99-104, 106, 108, 110, 112, and 120-140. Accordingly, Applicant respectfully requests that the rejection of claim 114 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

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Rejection of Claims 74-87, 89, 91, 93, 95, 97, 99-102, 104, 106, 108, 110, 112, 135, and 138-140 Under Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 74-82 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 24-25, and 28 of U.S. Patent No. 6,090,382. Claims 74 and 83 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 24-25 of U.S. Patent No. 6,090,382 in view of Aggarwal (U.S. Patent No. 5,795,967). Claims 84-87, 89, 91, 93, 95, 97, 99-102, 104, 106, 108, 110, 112, 135, and 138-140 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-7, 15, 17, 22, 36-39, 69, 87, and 93 of U.S. Patent No. 6,509,015.

Claims 74-87, 89, 91, 93, 95, 97, 99-102, 104, 106, 108, 110, 112, 135, and 138-140 have been cancelled in order to expedite prosecution of the application, thus rendering the rejection of these claims under the judicially created doctrine of obviousness-type double patenting moot. Accordingly, Applicant respectfully requests that the rejection of claims 74-87, 89, 91, 93, 95, 97, 99-102, 104, 106, 108, 110, 112, 135, and 138-140 under the judicially created doctrine of obviousness-type double patenting be reconsidered and withdrawn.

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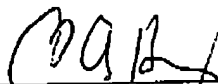
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**SUMMARY**

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested. It is respectfully submitted that any amendments and/or cancellations of the claims should in no way be construed as acquiescence to the Examiner's rejections and/or objections.

If a telephone conversation with Applicant's Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's Attorney at (617) 227-7400.

Respectfully submitted,



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